

Attorneys for Respondents

AROLDO RODRIGUEZ DIAZ,

V.

POLLY KAISER, et al.,

Respondents.

Case No. 3:25-cv-05071-TLT

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING BRIEFING ON THE MERITS OF
PETITIONER'S HABEAS PETITION AND
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Petitioner and Respondents (together, the “Parties”) hereby stipulate as follows:

1. On June 30, 2025, Respondents filed a Response to Order to Show Cause, Opposition to Motion for Preliminary Injunction, and Return to Habeas Petition. Dkt. No. 15.

2. On July 18, 2025, Petitioner filed a “Reply in Support of Motion for Preliminary Injunction,” Dkt. No. 26, as ordered by the Court, Dkt. No. 13 (setting briefing schedule on Petitioner’s motion for a preliminary injunction); Dkt. 25 (granting Petitioner an additional seven days in which to file a reply in support of the motion for a preliminary injunction).

3. Pursuant to the Habeas Corpus Local Rules, an answer to a petition is due within 60 days after service of a noncapital petition, after the Court orders a response to the petition. The petitioner may serve and file a traverse within 30 days after the respondent has filed an answer. Habeas Corpus

1 Local Rules 2254-6(b).

2 4. Under Federal Rule of Civil Procedure 65(a)(2), the Court may consolidate
 3 consideration of a motion for a preliminary injunction with the consideration of the merits of an action.
 4 “Consolidation is generally appropriate when it would (1) result in an expedited resolution of the case;
 5 (2) conserve judicial resources and avoid duplicative proceedings; (3) involves only legal issues based
 6 on uncontested evidence and public records; and (4) would not be prejudicial to any of the parties.”
 7 *Thomas v. Zachry*, No. 17-cv-0219, 2017 WL 2174946, at *1 (D. Nev. May 17, 2017) (citing *University*
 8 *of Tex. v. Camenish*, 451 U.S. 390, 395 (1981); *NOW v. Operation Rescue*, 747 F. Supp. 760, 768 (D.
 9 D.C. 1990); and *Kickapoo Traditional Tribe of Tex. v. Chacon*, 46 F. Supp. 2d 644, 648–49 (W.D. Tex.
 10 1999)).

11 5. The Court has not indicated whether it intends to consolidate consideration of the motion
 12 for preliminary injunction with the consideration of the merits of this action.

13 6. The Parties agree that Respondent’s response to Petitioner’s motion for preliminary
 14 injunction, Dkt. No. 15, should not be considered a return for purposes of triggering the traverse
 15 requirement of Habeas Corpus Rule 2254-6(c).

16 IT IS SO STIPULATED.

17
 18 DATED: July 30, 2025

Respectfully submitted,

19 CRAIG H. MISSAKIAN
 20 United States Attorney

21 /s/ Kelsey J. Helland
 22 KELSEY J. HELLAND
 Assistant United States Attorney

23 *Attorneys for Respondents*

24
 25 /s/ JOHNNY SINODIS*
 26 JOHNNY SINODIS
 VAN DER HOUT LLP

27 *Attorney for Petitioner*
 28

1 ** In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of*
2 *perjury that all signatories have concurred in the filing of this document.*

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the Parties, IT IS SO ORDERED.

Dated: August 18, 2025


HON. TRINA L. THOMPSON

UNITED STATES DISTRICT JUDGE